

## Remarks

### I. Status and Nature of the Amendments

Claims 1-16 were originally presented. Applicants have withdrawn claims 6-8 and 13-16 in light of the election to pursue the invention of original claims 1-5 and 9-12. Claim 1 has been cancelled in light of the presentation of new claim 17. Claim 4 has been cancelled in light of the presentation of new claim 18. Claim 9 has been cancelled in light of the presentation of new claim 19. Accordingly, claims 2-3, 5, 10-12, and 17-19 are presently pending. Newly presented claims 17-19 are supported by claims 1, 4 and 9, respectively. No new matter has been added by any of the requested amendments.

### II. The Requirement for Restriction

The Examiner has determined that the original claims comprise multiple separate and distinct inventions, and has issued a requirement for restriction. Specifically, the Examiner has advised that the claims consist of thirteen separate and distinct inventions:

- Group I      Claim(s) 1-5, 9-12, drawn to a nucleic acid comprising SEQ 10 NO:1, and fragments thereof comprising SEQ 10 NO:7, 8 or 10, and a method for detecting cancer comprising SEQ 10 NO:1.
- Group II     Claim(s) 1-5, drawn to a nucleic acid comprising SEQ 10 NO:3 and fragments thereof comprising SEQ 10 NO:11, 12.
- Group III    Claims 6-7, drawn to a polypeptide encoded by SEQ 10 NO:1.
- Group IV    Claims 6-7, drawn to a polypeptide encoded by SEQ 10 NO:3.
- Group V     Claim 8, drawn to an antibody that binds immunospecifically with a polypeptide encoded by SEQ ID NO:1.

Group VI      Claim 8, drawn to an antibody that binds immunospecifically with a polypeptide encoded by SEQ 10 NO:3.

Group VII     Claims 9-12, drawn to a method for detecting precancerous cells, comprising detecting SEQ 10 NO:1.

Group VIII    Claims 9-12, drawn to a method for detecting cancerous cells, comprising detecting SEQ 10 NO:3.

Group IX      Claims 9-12, drawn to a method for detecting precancerous cells, comprising detecting SEQ 10 NO:3.

Group X        Claims 13-16, drawn to a method for detecting cancer comprising detecting a polypeptide encoded by SEQ 10 NO:1.

Group XI      Claims 13-16, drawn to a method for detecting precancerous cells, comprising detecting a polypeptide encoded by SEQ 10 NO:1.

Group XII     Claims 13-16, drawn to a method for detecting cancerous cells, comprising detecting a polypeptide encoded by SEQ 10 NO:3.

Group XIII    Claims 13-16, drawn to a method for detecting precancerous cells, comprising detecting a polypeptide encoded by SEQ 10 NO:3.

Applicants respectfully traverse the requirement for restriction. Applicants note that the Examiner has ordered restriction within individual claims based on whether the claim is directed to the detection of cancer cells or precancerous cells. It is respectfully suggested that a more meaningful examination of the present invention would be achieved if all such claims were examined in a single application. Applicants submit that a more preferable procedure would instead be to request an election of species between

cancer cells and precancerous cells. The Examiner is invited to reconsider the restriction requirement.

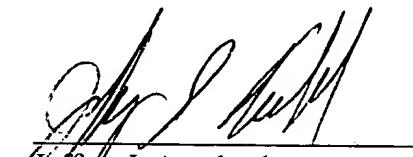
Applicants respond to the restriction requirement by electing to pursue in this application the invention of **Group I**, Claim(s) 1-5, 9-12, drawn to a nucleic acid comprising SEQ 10 NO:1, and fragments thereof comprising SEQ 10 NO:7, 8 or 10, and a method for detecting cancer comprising detecting SEQ 10 NO:1. Election is, however, made with traverse as to Group VII, and Applicants request that the Examiner consider examining the inventions of both Group I and Group VII in the present application. In the event that the Examiner concludes that simultaneous examination of the inventions of Groups I and VII is desirable, and concludes that a requirement for species election is required, Applicants contingently elect the species of the claims that relates to the detection of cancer cells in a sample of tissue.

### III. Concluding Remarks

Having now responded to the Examiner's requirements for restriction and election, Applicants respectfully submit that the present application is in condition for Examination, and earnestly solicit early notice of favorable action. The Examiner is respectfully invited to contact the undersigned with respect to any issues regarding this application.

Respectfully Submitted,

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